

ORDINANCE No. 2026-01

AN ORDINANCE OF THE CITY OF WATERFORD CITY COUNCIL, ADDING CHAPTER 17.66 ENTITLED “REGIONAL HOUSING NEEDS ASSESSMENT OVERLAY” TO TITLE 17, ZONING OF THE CITY OF WATERFORD MUNICIPAL CODE (CTA 2026-0001)

WHEREAS, Government Code Section 65585 requires that the City Council receive input and a recommendation from the Planning Commission on a Code Text Amendment that imposes any regulations listed in Section 65850 and

WHEREAS, State Housing Element Law (Government Code Sections 65580 et seq.) requires that the City of Waterford City Council adopt a Housing Element for the eight-year period 2023-2031 to accommodate the City’s regional housing need allocation (RHNA) of 557 units, comprised of 107 very low-income units, 74 low-income units, 115 moderate-income units, and 261 above moderate-income units; and

WHEREAS, the City of Waterford 6th Cycle Housing Element includes Chapter IX, *Housing Element Goals, Policies, and Housing Action Plan*, that identifies goals, policies, and programs the City of Waterford is responsible for enabling the production of housing by reducing regulatory barriers, providing incentives, and supporting programs that create or preserve housing, especially for vulnerable populations; and

WHEREAS, Program 1.4, *Non-Discretionary Approval for 4th and 5th Cycle Reused Sites* directs the City to allow developments by-right pursuant to Government Code Section 65583.2(c) when 20% or more of the residential units are affordable to low- and very low-income households for sites identified on previous Housing Element sites inventory; and

WHEREAS, to comply with this Government Code Section, the City is establishing by Ordinance the Regional Housing Needs Assessment Overlay District covering those 4th and 5th cycle reused site to allow development by-right when 20% or more of the residential units are affordable to lower-income households; and

WHEREAS, the City of Waterford Planning Commission conducted a Public Hearing on January 27, 2026 to consider the proposed Ordinance; and

WHEREAS, the City of Waterford Planning Commission adopted Resolution No. 2026-03 on January 27, 2026, recommending to City Council to adopt Ordinance No. 2026-01, amending the City of Waterford Municipal Code; and

WHEREAS, a Notice of Public Hearing was advertised in the Modesto Bee, a newspaper of general circulation, on February 17, 2026. Staff also mailed the public hearing notice on February 17, 2026 to notify all property owners located within 300-foot radius from the Subject Properties. Additional public hearing notices were mailed to the affected property owners. In addition, the Public Notice was emailed to City’s Public Hearing subscribers and interested parties on February 17, 2026 and posted at three (3) locations accessible to the public; and

WHEREAS, the City Council for the City of Waterford has made the following findings for adoption.

1. Pursuant to California Government Code Section 65854, the recommendation to City Council shall include the relationship to the applicable general or specific plan.
 - a. Ordinance No. 2026-01 is compatible with the General Plan and each of its elements. Specifically, Ordinance No. 2026-01 is compatible with the following Goals and Policies of the General Plan:
 - i. Policy L-1.2 – Encourage a diversity of building types, ownership, prices, designs, and site plans for residential areas throughout the City.
 - ii. Policy L-1.6 – Continue to pursue quality single-family and higher density residential development.
 - iii. Policy L-1.8 – Create livable and identifiable residential neighborhoods.
 - iv. Program 1.4 – Non-Discretionary Approval for 4th and 5th Cycle Reused Sites.
 - b. Ordinance No. 2026-01 is compatible with the uses authorized in, and the regulations prescribed for, the land use districts for which it is proposed and with the regulations for each land use district.
 - c. The City finds and determines with certainty that the amendments described in Ordinance No. 2026-01 is exempt from CEQA pursuant to CEQA Guidelines Section 15061(b)(3), which is the “common sense exemption” that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.
 - d. Constitutionality, severability. If any section, subsection, sentence, clause, phrase, or word of this resolution is for any reason held by a court of competent jurisdiction to be unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of the resolution. The Planning Commission of the City of Waterford hereby declares that it would have passed this resolution and each section, subsection, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more section(s), subsection(s), sentence(s), clause(s), phrase(s), or word(s) be declared invalid.

WHEREAS, a public hearing was held on March 5, 2026 and all comments were heard and considered by the City Council.

NOW, THEREFORE, THE CITY COUNCIL CITY OF WATERFORD, COUNTY OF STANISLAUS, STATE OF CALIFORNIA DOES HEREBY ORDAIN AS FOLLOWS:

~~Stricken through~~ text represents deletions to the Waterford Municipal Code, and underlined text represents additions to the Waterford Municipal Code.

SECTION 1. *New Chapter 17.66 entitled “Regional Housing Needs Assessment Overlay is hereby to be read as follows:*

17.66.010 Purpose.

The Regional Housing Needs Assessment Overlay District is intended to facilitate the development of affordable housing while promoting infill development on sites previously identified on housing inventories in the City’s Fourth and Fifth Housing Element Cycles. Only those projects that have 20% of the total number of units deed restricted for low- and very-low income units are eligible for by-right development in this Overlay District.

17.66.020 Applicability.

The Regional Housing Needs Assessment Overlay District is applicable to those sites identified in the table below. These sites are reused sites in the 4th and 5th Housing Element Cycles. These sites are also identified in Table 50 of the 6th Cycle Housing Element.

Table 17.66.020-1: Reused 4 th and 5 th Housing Element Cycle Sites				
<u>6th Cycle Housing Element Site Inventory Number</u>	<u>APN Number</u>	<u>Zoning Designation</u>	<u>General Plan Land Use Designation</u>	<u>Allowable Density Under Zoning District</u>
<u>V35</u>	<u>080-022-023</u>	<u>MU</u>	<u>MF</u>	<u>20 – 40 DU/A</u>

17.66.030 By-Right Development.

The City shall implement a by-right development for sites identified in Section 17.66.020 when a developer builds a project with at least 20% affordable units deed restricted for low- and very low-income units. Pursuant to Government Code Section 65583.2(c), by-right development means the following are not required for development:

- A. Conditional Use Permit;
- B. Planned Unit Development Permit;
- C. Design Review other than Objective Development Design Standards; or
- D. Other discretionary, review or approval that would constitute a “project” as defined in Section 2100 of the Public Resources Code (California Environmental Quality Act “CEQA”).

SECTION 2. AUTHORITY. This ordinance is adopted pursuant to the authority granted by the California Constitution and State law.

SECTION 3. CEQA. This ordinance is exempt from CEQA pursuant to CEQA Guidelines Section 15061(b)(3), which is the “common sense exemption” that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.

SECTION 4. VALIDITY. If any section, subsection, sentence, clause, word, or phrase of this ordinance is held to be unconstitutional or otherwise invalid for any reason, such decision shall not affect the validity of the remainder of this ordinance. The City Council hereby declares that it would have passed this ordinance, and each section, subsection, sentence, clause, word, or phrase thereof, irrespective of the fact that one or more sections, subsections, sentences, clauses, words, or phrases be declared invalid or unconstitutional.

SECTION 5. To the extent the provisions of the Waterford Municipal Code as amended by this Ordinance are substantially the same as the provisions of that Code as they read immediately prior to adoption of this Ordinance, then those provisions shall be construed as continuations of the earlier provisions and not as new enactments.

SECTION 6. The City Clerk shall certify as to the adoption of this Ordinance and shall cause a summary thereof to be published within fifteen (15) days of adoption and shall post a certified copy of this Ordinance, including the vote for and against same, in the Office of the City Clerk, in accordance with Government Code Section 36933.

SECTION 7. ENACTMENT: Prior to the expiration of fifteen (15) days from the passage and adoption thereof, this ordinance shall be published in a newspaper of general circulation printed and published in the County of Stanislaus, State of California, together with names of the members of the City Council voting for and against the same.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Waterford this 5TH day of March 2026, by the following vote:

AYES: Goeken, Gutierrez, Harris, Talbott

NOES: None

ABSTAIN: None

ABSENT: Hilton

CITY OF WATERFORD

Signed by:



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CHARLIE GOEKEN, Mayor

ATTEST:

DocuSigned by:

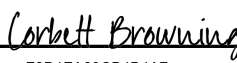


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PATRICIA KRAUSE
City Clerk

APPROVED AS TO FORM:

Signed by:



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CORBETT J. BROWNING
City Attorney